

REMARKS

Applicant acknowledges the allowance of Claims 1, 3, 5, 37, 25, 28-30, 29 and 40.

The Examiner states in the Action that Claims 2, 4, 6, 8 11-17, 26, 27, 38 and 41 are withdrawn from further consideration as being drawn to a nonelected species, i.e. Figures 1-4, there being no allowable generic or linking claim. In this regard, the Examiner is directed to the Amendment dated November 5, 2002 where the Applicant affirmed the election of FIGS. 1-4. Independent Claim 11 reads on the species of FIGS. 1-4 and thus its withdrawal is improper and instead it should be allowed.

Independent Claims 1 and 25 likewise read on the species of FIGS. 1-4. Should there be any confusion with respect to the “free of folds” language contained in Claims 1 and 11, Applicant directs the Examiner to the previously submitted Amendment After Final dated October 14, 2004 where, with respect to Claim 1, it is stated on Page 7:

Webster’s Ninth New Collegiate Dictionary defines the noun “fold” to include a part doubled or laid over on another part. As discussed above, both Richer ‘160 and Richer ‘460 disclose a suspension means that is folded. Accordingly, Richer ‘160 and Richer ‘460 teach away from the combination of Claim 1 by disclosing two layers of material with holes extending therethrough. The spacer of the present invention does not require two layers of material because the spacer is not required to support the hangers used therewith. Instead, the hangers support the spacer of the present invention. Accordingly, the language “free of folds” in the claims is not intended to preclude a hanger spacer with bendable or side portions 26 and 27 as shown in FIGS. 1-4 with respect to hanger spacer 12.

Dependent Claims 2, 4, 8 12-17, 26, 38 and 41 are allowable for the same reasons as the claims upon which they depend and by reason of the additional limitations called for therein.

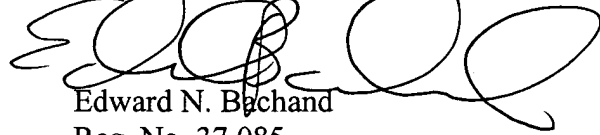
The Examiner is additionally reminded of the language contained in the Office Action mailed July 10, 2002 stating “Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 CFR §1.141.” Accordingly, withdrawn dependent Claims 6 and 27 should likewise be considered for allowance.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that

the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read 'Edward N. Bachand', written over the printed name.

Edward N. Bachand
Reg. No. 37,085

Customer No. 32,940
DORSEY & WHITNEY LLP
555 California Street, Suite 1000
San Francisco, CA 94104-1513
Telephone: (650) 857-1717